

REMARKS

The subject amendment is presented in a good faith attempt to advance the prosecution of this application and to consolidate the issues for appeal.

Claims 1, 8 and 9 have been amended to clarify that the product to be dispensed is a cosmetic. See for example, the specification at the first paragraph of page 14, and the title "Cosmetic package Dispenser Head." Additionally, claim 1 has been amended to incorporate the requirements of claim 6. Claims 8 and 9 have been rewritten in independent form. Claim 10 is cancelled without prejudice, which moots its rejection under 35 USC §112.

The subject invention is directed to a dispenser for dispensing a cosmetic product such as a cream, soft solid, or a solid, which is deposited as a film, coating or layer on, for example, the skin. Characteristic of the dispenser is a dispenser head that is configured to alleviate residual stress in the product to be dispensed, particularly soft solid products that are anisotropic and do not, upon dispensing, transmit stress equally in all directions. Thus the dispensing of such products often gives rise to a problem where seizing of the solid particles of the material inside the container increases the tendency of the solid particles of the composition's liquid material to continue to flow out of the container or weep.

Claims 1 and 7-9 stand rejected as anticipated by US 5,547,302 (Allen et al.). It is respectfully submitted that Allen et al., directed to a cookie dough extruder wherein the dough to be dispensed is pushed through a die that to the imparts a particular configuration that is retained by the dispensed product, is non-analogous art that is not relevant to the invention at hand (the dispensing of cosmetic products, particularly, cosmetic products in the form of soft solids).

With respect to rejection of claims 1 to 6 over US 5,547,302 (Dornbusch et al.), it is respectfully submitted that the spoke/basket network described by amended claim 1 is neither disclosed nor suggested by Dornbusch et al.

In view of the foregoing, reconsideration and allowance of the subject claims, as hereby amended, is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Karen E. Klumas', is written over a horizontal line.

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